

1999 DRAFTING REQUEST

Senate Amendment (SA-SSA(LRBs0372/1)-SB125)

Received: 03/14/2000

Received By: fasttn

Wanted: Today

Identical to LRB:

For: Gary George (608) 266-2500

By/Representing: Aide (per RPN)

This file may be shown to any legislator: NO

Drafter: fasttn

May Contact:

Alt. Drafters:

Subject: Drunk Driving - penalties

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Mandatory vehicle seizure

Instructions:

Have elimination of mandatory seizure provision in s. 346.65(6)(a) take effect immediately, with elimination of ignition interlock/immobilization take effect 1/1/2002

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|-----------------------|-----------------------|----------------|----------------------------|----------------------------|-----------------|
| /? | fasttn 03/14/2000 | gilfokm 03/14/2000 | | _____ _____ | | | |
| /1 | | | haugeca 03/14/2000 | _____ _____ | lrb_docadmin 03/14/2000 | lrb_docadmin 03/14/2000 | |
| /2 | fasttn 03/14/2000 | gilfokm 03/14/2000 | haugeca 03/14/2000 | _____ _____ | lrb_docadmin 03/14/2000 | lrb_docadmin 03/14/2000 | |

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Page 2

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|-----------------------|------------------------|----------------|----------------------------|----------------------------|-----------------|
| /3 | nelsorp1 03/14/2000 | gilfokm 03/14/2000 | jfrantze 03/14/2000 | _____ | lrb_docadmin 03/14/2000 | lrb_docadmin 03/14/2000 | |

FE Sent For:

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Page 1

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| /2 | fasttn 03/14/2000 | gilfokm 03/14/2000 | haugeca 03/14/2000 | | lrb_docadmin 03/14/2000 | lrb_docadmin 03/14/2000 | |

1/3-3/14/2000
kmg
3/14
Jb/ch

03/14/2000 12:46:29 PM
Page 1

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| /? | fasttn 03/14/2000 | gilfokm 03/14/2000 | | | | | |
| /1 | | 1/2 kmj | haugca 03/14/2000 | | lrb_docadmin 03/14/2000 | lrb_docadmin 03/14/2000 | |

FE Sent For:

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03/14/2000 12:01:50 PM

Page 1

1999 DRAFTING REQUEST**Senate Amendment (SA-SSA(LRBs0372/1)-SB125)**

Received: 03/14/2000

Received By: fasttn

Wanted: Today

Identical to LRB:

For: Legislative Reference Bureau (608) 266-9739

By/Representing: TNF

This file may be shown to any legislator: NO

Drafter: fasttn

May Contact:

Alt. Drafters:

Subject: Drunk Driving - penalties

Extra Copies: RPN - 1

Pre Topic:

No specific pre topic given

Topic:

Mandatory vehicle seizure

Instructions:

Have elimination of mandatory seizure provision in s. 346.65(6)(a) take effect immediately, with elimination of ignition interlock/immobilization take effect 1/1/2002

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| /? | fasttn 03/14/2000 | gilfokm 03/14/2000 | | _____ | | | |
| /1 | | | haugca 03/14/2000 | _____ | lrb_docadmin 03/14/2000 | lrb_docadmin 03/14/2000 | |

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| 1? | fasttn | 1-3-14 Kmg | Ch 3-14 | Ch 3-14 Kmg | | | |

FE Sent For:

<END>

1999

Date (time)
needed

Now

LRB a 1790 1 1

AMENDMENT

TNF: King

See form AMENDMENTS — COMPONENTS & ITEMS.

(S) A AMENDMENT

TO S A AMENDMENT

(LRB a

TO (S) A SUBSTITUTE AMENDMENT

(LRBs 0372 11),

TO 1999 (SB) SJR SR AB AJR AR

125

(LRB-

1)

At the locations indicated, amend the substitute amendment as follows:

(fill ONLY if "engrossed" or "as shown by")

✓ #. Page 24, line 18: delete the material beginning with that line and ending with page 25, line 5, and substitute:

#. Page ..., line ...:

#. Page ..., line ...:

#. Page ..., line ...:

#. Page ..., line ...:

56 g.

" Section # 346.65 (6) (a) 1. of the statutes is amended to read:

used in the
violation or
improper
refusal
and
owned
by the
person

the 346.65 (6) (a) 1. ~~Except as provided in this paragraph, the~~ The court may order a law enforcement officer to seize a motor vehicle, or, if the motor vehicle is not ordered seized, shall order a law enforcement officer to equip the motor vehicle with an ignition interlock device or immobilize any motor vehicle owned by the person whose operating privilege is revoked under s. 343.305 (10) or who committed a violation of s. 346.63 (1) (a); (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or or 940.25 (1) (a), (b), (c) or (d) if the person whose operating privilege is revoked under s. 343.305 (10) or who is convicted of the violation has 2 prior suspensions, revocations or convictions that would be counted under s. 343.307 (1). The court shall not order a motor vehicle equipped with an ignition interlock device or immobilized if that would result in undue hardship or extreme inconvenience or would endanger the health and safety of a person.

or
more

NOTE: Subd. 1. is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c).

History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; s. 13.93 (2) (c).

56j.

Section # 346.65 (6) (a) 1. of the statutes, as affected by 1999 Wisconsin Act (this act), is amended to read:

used ~~during~~ ⁱⁿ the violation ^{or improper refusal} and owned by the person

^{plainly} the 346.65 (6) (a) 1. ~~Except as provided in this paragraph,~~ the court may order a law enforcement officer to seize [✓] motor vehicle, or, if the motor vehicle is not ordered seized, shall order a law enforcement officer to equip the motor vehicle with an ignition interlock device or immobilize any motor vehicle owned by the person whose operating privilege is revoked under s. 343.305 (10) or who committed a violation of s. 346.63 (1) (a) ^{or} (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25 (1) (a), (b), (c) or (d) if the person whose operating privilege is revoked under s. 343.305 (10) or who is convicted of the violation has ² prior suspensions, revocations or convictions that would be counted under s. 343.307 (1). ~~The court shall not order a motor vehicle equipped with an ignition interlock device or immobilized if that would result in undue hardship or extreme inconvenience or would endanger the health and safety of a person.~~ "

NOTE: Subd. 1. is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c).

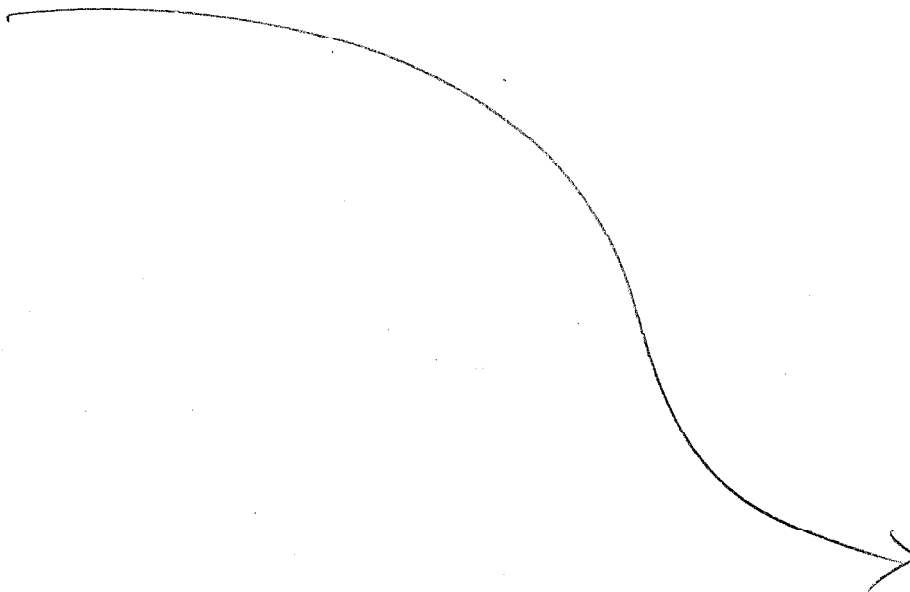
History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; s. 13.93 (2) (c).

✓ #. Page 27, line 23: after that line insert:

62 m.
" Section # 346.65 (6) (f) of the statutes is amended to read:

346.65 (6) (f) If a motor vehicle forfeited and sold under this subsection is owned ~~in whole or~~ ^{or refusal} in part by a person other than the person who committed the violation under par. (a), any moneys remaining from the sale, after making any payment to the lienholders under par. (em) and as provided in par. (e) 1. to 4., shall be paid to that person to the extent of the person's interest in the motor vehicle. ''.

History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; s. 13.93 (2) (c).



1999 - 2000 LEGISLATURE

WANTED
NOW

2 (Redhoff
LRBa1790/X maken has
TNE:kmg:ch been run)
and RPN

**SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT (LRBs0372/1),
TO 1999 SENATE BILL 125**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 24, line 18: delete the material beginning with that line and ending
3 with on page 25, line 5, and substitute:

4 **"SECTION 56g.** 346.65 (6) (a) 1. of the statutes is amended to read:

5 346.65 (6) (a) 1. ~~Except as provided in this paragraph, the~~ The court may order
6 a law enforcement officer to seize a the motor vehicle used in the violation or
7 improper refusal and owned by the person, or, if the motor vehicle is not ordered
8 seized, shall order a law enforcement officer to equip the motor vehicle with an
9 ignition interlock device or immobilize any motor vehicle owned by the person, whose
10 operating privilege is revoked under s. 343.305 (10) or who committed a violation of
11 s. 346.63 (1) (a), (b) or (2) (a) 1. or 2., 940.09 (1) (a), or (b), (c) or (d) or 940.25 (1) (a),
12 (b), (c) or (d) if the person whose operating privilege is revoked under s. 343.305 (10)

1 or who is convicted of the violation has 2 or more prior suspensions, revocations or
2 convictions that would be counted under s. 343.307 (1). The court shall not order a
3 motor vehicle equipped with an ignition interlock device or immobilized if that would
4 result in undue hardship or extreme inconvenience or would endanger the health
5 and safety of a person.

6 **SECTION 56j.** 346.65 (6) (a) 1. of the statutes, as affected by 1999 Wisconsin Act
7 (this act), is amended to read:

8 346.65 (6) (a) 1. The court may order a law enforcement officer to seize the
9 motor vehicle used in the violation or improper refusal and owned by the person, ~~or,~~
10 ~~if the motor vehicle is not ordered seized, shall order a law enforcement officer to~~
11 ~~equip the motor vehicle with an ignition interlock device or immobilize any motor~~
12 ~~vehicle owned by the person, whose operating privilege is revoked under s. 343.305~~
13 ~~(10) or who committed a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09~~
14 ~~(1) (a), (b), (c) or (d) or 940.25 (1) (a), (b), (c) or (d) if the person whose operating~~
15 ~~privilege is revoked under s. 343.305 (10) or who is convicted of the violation has 2~~
16 ~~or more prior suspensions, revocations or convictions that would be counted under~~
17 ~~s. 343.307 (1). The court shall not order a motor vehicle equipped with an ignition~~
18 ~~interlock device or immobilized if that would result in undue hardship or extreme~~
19 ~~inconvenience or would endanger the health and safety of a person."~~

20 **2.** Page 27, line 23: after that line insert:

21 "SECTION 62m. 346.65 (6) (f) of the statutes is amended to read:

22 346.65 (6) (f) If a motor vehicle forfeited and sold under this subsection is owned
23 ~~in whole or in part~~ by a person other than the person who committed the violation
24 or refusal under par. (a), any moneys remaining from the sale, after making any

1 payment to the lienholders under par. (em) and as provided in par. (e) 1. to 4., shall
2 be paid to that person to the extent of the person's interest in the motor vehicle.”.

3 **3.** Page 37, line 10: delete “, 2., 2m. and 3., (b) and (d)” and substitute “(by
4 SECTION 56j), 2m. and 3. and (b)”.

5 **4.** Page 37, line 22: delete “(c)” and substitute “(a) 1. (by SECTION 56g) and 2.,
6 (c), (d) and (f)”.

7 **5.** Page 38, line 8: delete “, 2., 2m. and 3., (b) and (d)” and substitute “(by
8 SECTION 56j), 2m. and 3. and (b)”.

9 **6.** Page 38, line 12: delete “(c)” and substitute “(a) 1. (by SECTION 56j) and 2.,
10 (c), (d) and (f)”.

11 (END)

D-NOTE

LRBa1790/2dn
TNF!

DRAFTER'S NOTE

provision
in
current
law

This amendment repeals ^{the} mandatory vehicle seizure
and, with respect to permissive vehicle seizures, requires
the vehicle to have been used in the violation or improper
refusal and owned by the violator. These changes take
effect on the first day of the 2nd month beginning after
publication,

TNF

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1790/2dn
TNF:kmg:ch

March 14, 2000

This amendment repeals the mandatory vehicle seizure provision in current law and, with respect to permissive vehicle seizures, requires the vehicle to have been used in the violation or improper refusal and owned by the violator. These changes take effect on the first day of the 2nd month beginning after publication.

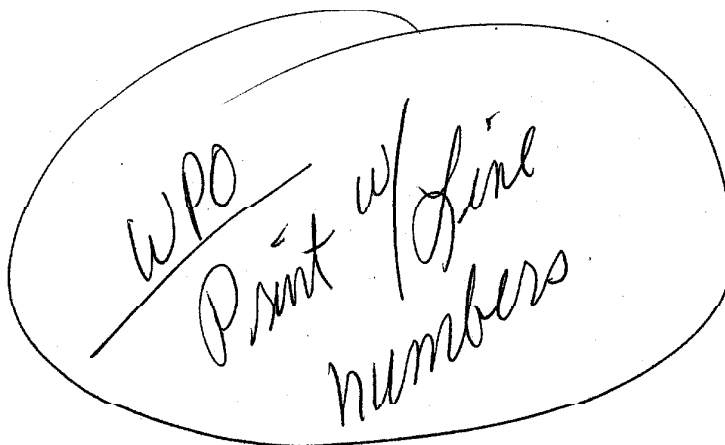
Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: Tim.Fast@legis.state.wi.us



how 3/19
State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa1790/2
TNF&RPN:kmg:ch

SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT (LRBs0372/1),
TO 1999 SENATE BILL 125



At the locations indicated, amend the substitute amendment as follows:

1. Page 24, line 18: delete the material beginning with that line and ending with on page 25, line 5, and substitute:

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payment to the lienholders under par. (em) and as provided in par. (e) 1. to 4., shall be paid to that person to the extent of the person's interest in the motor vehicle."

3. Page 37, line 10: delete ", 2., 2m. and 3., (b) and (d)" and substitute "(by SECTION 56j), 2m. and 3. and (b)".

4. Page 37, line 22: delete "(c)" and substitute "(a) 1. (by SECTION 56g) and 2., (c), (d) and (f)".

5. Page 38, line 8: delete ", 2., 2m. and 3., (b) and (d)" and substitute "(by SECTION 56j), 2m. and 3. and (b)".

6. Page 38, line 12: delete "(c)" and substitute "(a) 1. (by SECTION 56g) and 2., (c), (d) and (f)".

(END)

56g

56g



State of Wisconsin
1999-2000 LEGISLATURE



CORRECTIONS IN: **CCC (LRBa1790/3)**

**SENATE AMENDMENT 4
SENATE SUBSTITUTE AMENDMENT 1
TO 1999 SENATE BILL 125**

()

Prepared by the Legislative Reference Bureau
(Date?????)

1. Page 1, line 3: delete "with on" and substitute "with".

KMG:

.....

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.



State of Wisconsin
1999-2000 LEGISLATURE

CORRECTIONS IN:

**SENATE AMENDMENT 4,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 SENATE BILL 125**

Prepared by the Legislative Reference Bureau
(March 21, 2000)

1. Page 1, line 3: delete "with on" and substitute "with".